

AC 44016
DOCKET NO: NNH-CV-17-6072389

ELIAHU MIRLIS

STATE OF CONNECTICUT

v.

YESHIVA OF NEW HAVEN INC. : July 24, 2020

COURT ORDER ON DEFENDANT APPELLANT'S
MOTION FOR ARTICULATION

The foregoing motion having been duly considered, it is hereby DENIED.

At the underlying valuation hearing, the parties each presented evidence through their expert appraisers. As set forth in the Memorandum of Decision, there were areas of agreement and areas of disagreement, and each thoroughly cross examined the other's appraiser to point out claimed flaws. As noted in the underlying Memorandum of Decision, the court carefully and fully considered and weighed all the evidence received at the hearing, evaluated the credibility of the witnesses, measured the probative force of conflicting evidence, reviewed all exhibits and relevant law and drew such inferences from the evidence, or facts established by the evidence, that it deems reasonable and logical. See Memorandum of Decision: Hearing on Valuation February 24, 2020, p 3. The court need not provide a scientific formula for its conclusion.

As set forth in the Court's Memorandum of Decision (complete citations provided in the Memorandum of Decision), "[t]he determination of [a property's] value by a court is the expression of the court's opinion aided ordinarily by the opinions of expert witnesses, and reached by weighing those opinions in light of all the circumstances in evidence bearing upon value and its own general knowledge of the elements going to establish it....[T]he determination of the credibility of expert witnesses and the weight to

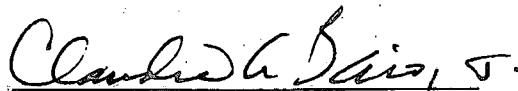
be accorded their testimony is within the province of the trier of facts, who is *privileged* to adopt whatever testimony [s]he reasonably believes *credible*.... When confronted with conflicting evidence as to valuation, the trier may properly conclude that under all circumstances a compromise figure most accurately reflects fair market value."

(Citations omitted/internal quotation marks omitted) *Bank of Southeastern Connecticut v. Nazarko Realty Company*, 49 Conn. App. 452, 456-457, 714 A. 2d 722 (1998).

Memorandum of Decision: Hearing on Valuation, February 24, 2020, pp 6-7.

In light of the Memorandum of Decision issued on this matter following the full hearing on the merits, the court is of the opinion that an articulation is unnecessary.

Accordingly, Defendant-appellant's motion for articulation is denied.


Claudia A. Baio, J. 7/24/20